

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARTHA KAY BOWDEN,	)	
	)	
Petitioner	)	
	)	
v.	)	1:06cv215
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On August 30, 2006, Magistrate Judge Russell A. Eliason filed his Recommendation [Doc. # 7] that the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [Doc. # 1] be denied, that the Respondent's Motion to Dismiss [Doc. # 6] be granted, and that Judgment be entered dismissing this action.

Rule 72 of the Federal Rules of Civil Procedure provides that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b). On August 30, 2006, the parties were mailed notification of the Recommendation filing and informed that objections to the Recommendation were due on September 18, 2006. Neither party filed an objection to the Recommendation.

The Court has reviewed the Recommendation of the Magistrate Judge and,

finding no clear error, adopts that Recommendation. Thus, for the reasons set out in the Recommendation, the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [Doc. # 1] is DENIED, the Respondent's Motion to dismiss [Doc. # 6] is GRANTED, and this action is DISMISSED.

This the day of February 7, 2008

/s/ N. Carlton Tilley, Jr.  
United States District Judge